

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUN 13 7 04 AM '92

UNITED STATES OF AMERICA,
Plaintiffs

v.

AVX CORPORATION, et al.,
Defendants.

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff,

v.

AVX CORPORATION, et al.,
Defendants.

CIVIL ACTION NOS.
83-3882-Y
83-3389-Y

**ORDER DIRECTING THE DEPOSIT OF NATURAL RESOURCE DAMAGES FROM
DEFENDANTS AEROVOX INCORPORATED AND BELLEVILLE INDUSTRIES, INC.
INTO THE REGISTRY OF THE COURT AND DIRECTING THE CLERK
TO DEPOSIT ALL NATURAL RESOURCE DAMAGES WITH
THE COURT REGISTRY INVESTMENT SYSTEM ("C.R.I.S.")**

Pursuant to Rule 67 of the Federal Rules of Civil Procedure, 28 U.S.C. 2401, and Local Rule 67.2, and in accordance with the terms of the Consent Decree in the above captioned matter between Plaintiffs the United States and the Commonwealth of Massachusetts and Defendants Aerovox Incorporated and Belleville Industries, Inc. ("Settling Defendants"), entered by the Court on July 17, 1991, it is hereby

ORDERED that Settling Defendants, upon final approval of the Consent Decree, pay to the Clerk of the Court all sums for Natural Resource Damages as specified in Paragraph 10.D., Paragraph 11.D., and Paragraph 12.B. of the Consent Decree; and it is

ORDERED that Settling Defendants shall make the aforementioned payments for Natural Resource Damages by checks made payable to the Clerk of the Court in accordance with the procedures specified in Paragraph 17.A of the Consent Decree; and it is

ORDERED that the Clerk of the Court, consistent with Paragraph 17.B. of the Consent Decree, shall deposit the aforementioned Natural Resource Damages payments with the Court Registry Investment System ("C.R.I.S.") administered through the United States District Court for the Southern District of Texas in accordance with the C.R.I.S. Operating Procedures Manual, United States District Courts for the Fifth Circuit; and it is

ORDERED that under the C.R.I.S., all monies deposited for Natural Resource Damages in the above captioned matter will be pooled together with those on deposit with the United States Treasury to the credit of other courts in the C.R.I.S. and used to purchase Treasury Securities which will be held at the Federal Reserve Bank of Dallas/Houston Branch, in a Safekeeping account in the name and to the credit of the Clerk, United States Court for the Southern District of Texas, hereby designated custodian for the C.R.I.S.; and it is

ORDERED that an account shall be established in the C.R.I.S. specifically for, and only for, all monies deposited for Natural Resource Damages in the above captioned matter and shall be titled "U.S. v. AVX Natural Resource Damages Account" ("U.S. v. AVX NRD Account"); and it is

ORDERED that all funds in the U.S. v. AVX NRD Account shall be invested in the "C.R.I.S.- Liquidity Fund" which provides weekly liquidity and a maximum of 100 day-term Treasury Securities; and it is

ORDERED that all income received from fund investments will be distributed to the U.S. v. AVX NRD Account on the ratio that the account principal and income has to the aggregate principal and income total in the fund each week; and it is

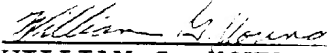
ORDERED that quarterly reports showing the income earned and the principal amounts contributed to the U.S. v. AVX NRD Account will be prepared and distributed to the Clerk of this Court and the Clerk of the United States District Court for the Southern District of Texas and made available to counsel for the United States and the Commonwealth of Massachusetts; and it is

ORDERED that funds in the U.S. v. AVX NRD Account shall remain on deposit with the C.R.I.S. until further order of this Court at which time all of the funds or a portion of the funds, together with any interest earned thereon, shall be retrieved by the Clerk of this Court and redeposited into the Registry of the Court for disposition by further order of this Court consistent with Paragraphs 17.C and 17.D of the Consent Decree; and it is

ORDERED that the custodian for the C.R.I.S. is authorized and directed by this Order to deduct for maintaining accounts in the "C.R.I.S.- Liquidity Fund" the fee on the above accounts as authorized in the Federal Register Vol. 55, No. 206 at page 42867 which has been reduced to 5 percent by special

exemption made by the director of the Administrative Office of the United States Courts by letter dated December 11, 1990. The fee may be deducted on a prorated basis over the course of deposits into the "C.R.I.S.- Liquidity Fund;" and the United States may make application to the Court to have these fees restored to the United States pursuant to 55 Fed. Reg. 42867; and it is

ORDERED that a certified copy of this order shall be served upon the Clerk of this Court and the Clerk of the Court for the Southern District of Texas.



WILLIAM G. YOUNG
United States District Judge
District of Massachusetts

Date: June 23, 1992